

NOV-06-2006 MON 11:28 AM JASON AND FISCHER

FAX NO.

P 03

EXHIBIT

A

Deposition of Kenneth Jean Volume 3  
August 23, 2006

<p>676</p> <p>Q. Okay. Are you aware of your wife's being diagnosed as abusing alcohol as of May of 2001?</p> <p>A. Am I aware of her being -- I don't know what she's been diagnosed of, ma'am, in most part.</p> <p>Q. Were you present with her when she went to the hospital in May of 2001?</p> <p>A. I've been present with her a couple of times at the hospital. I don't know which incident you're referring to.</p> <p>Q. Do you recall any occurrences on which you actually took her to the hospital?</p> <p>A. Yes, ma'am.</p> <p>Q. And do you recall taking her to the hospital the day after the incident in May of 2001?</p> <p>A. I believe I do.</p> <p>Q. Did you provide information to any healthcare professional about your wife's history or condition at any time?</p> <p>A. I don't know, ma'am.</p> <p>Q. Are you aware of your wife attending Alcoholics Anonymous?</p>	<p>678</p> <p>A. Yes, ma'am.</p> <p>Q. You never mentioned that prior to me asking you that question, is that fair to state? We've been sitting here for almost three hours, correct?</p> <p>A. Why would I, ma'am? I totally forgot him. He was not part of this harassment, that all came about after. He was a very early age, I'm going to say 1988 or '89, it was a lone event, it was totally unrelated to all of this.</p> <p>Q. Totally unrelated to all of this?</p> <p>A. Yes, ma'am. Unless any of the police departments harbor animosity towards me from that, but I would have no knowledge of that.</p> <p>MR. FISCHER: Wait for a question, answer the question and then wait for the next question.</p> <p>Q. Is it fair to state that you don't have any personal knowledge of any of the incidents that occurred between the Winchendon police officers and your wife other than information you received from your wife?</p>
<p>CURRAN COURT REPORTING</p> <p>677</p> <p>A. Yes, ma'am, she went with me.</p> <p>Q. And when is it that you claim you went?</p> <p>A. I'm sorry?</p> <p>Q. When is it that you claim you went?</p> <p>A. Oh, multiple dates over years.</p> <p>Q. When did you start going?</p> <p>A. Would have been the first DUI.</p> <p>Q. Your first DUI was 15, 20 years ago, right?</p> <p>A. I don't know when the first one was, ma'am. It would have been the first one that Ashburnham had charged with me.</p> <p>Q. Was it before you were married?</p> <p>A. Well, I believe it might have been before, yeah, I'm almost certain it was.</p> <p>Q. So you had -- you heard your wife testify today that she didn't go to AA until after the house fire?</p> <p>A. That would be incorrect.</p> <p>Q. Do you claim that any of the activities of the Winchendon Police Department had anything to do with an officer by the name of Whitaker?</p>	<p>679</p> <p>A. No, ma'am.</p> <p>Q. From whom did you receive information other than your wife regarding the incidents that occurred between the Winchendon police officers and your wife?</p> <p>A. Chief Harrington for one. All the court cases I attended with my wife, that type of thing, all probation interviews we went to.</p> <p>Q. Well, what information did you receive during the course of those events other than the information from your wife?</p> <p>From whom did you --</p> <p>A. I would have been privy to all her police reports. The police reports with prostitute on it, I certainly seen a number of times. Conversations with her counsel, probation officer, again, Paul Trippi, things to that effect.</p> <p>Q. I'm asking you about anybody that has any personal knowledge of the events that occurred between your wife and the Winchendon Police Department, do you have any information from any source as to the facts that existed between your wife and the Winchendon police</p>

CURRAN COURT REPORTING

CURRAN COURT REPORTING

NOV-06-2006 MON 11:29 AM JASON AND FISCHER

FAX NO.

P. 04

Deposition of Kenneth Jean Volume 3  
August 23, 2006

00:12:45 1 testimony, sir? 700  
 00:12:46 2 A. Yes, I do.  
 00:12:47 3 Q. I thought earlier, and correct me if  
 00:12:48 4 I'm wrong, I thought earlier you testified  
 00:12:49 5 that that request to investigate had been made  
 00:12:50 6 to Ashburnham Police Department?  
 00:12:51 7 A. No, sir, Winchendon. That was  
 00:12:52 8 before I moved to Ashburnham.  
 00:12:53 9 Q. So earlier when you were responding  
 00:12:54 10 to my questions about your discussions with  
 00:12:55 11 the police about the investigation of  
 00:12:56 12 embezzlement, you were referring to the  
 00:12:57 13 Winchendon Police Department?  
 00:12:58 14 A. Yes, sir. I'm sorry if I didn't --  
 00:12:59 15 Q. It may have been a misunderstanding  
 00:12:60 16 on my part, I just want to clarify that. Did  
 00:12:61 17 Ashburnham Police have anything to do with the  
 00:12:62 18 investigation of the embezzlement charges,  
 00:12:63 19 sir?  
 00:12:64 20 A. Absolutely not, sir.  
 00:12:65 21 Q. The last question I want to ask you  
 00:12:66 22 is just a follow-up on the Officer Whitaker  
 00:12:67 23 allegations that you said were unrelated to  
 00:12:68 24 this. Do you recall that testimony, sir?

CURRAN COURT REPORTING

00:12:59 1 A. Yes, sir. 701  
 00:12:60 2 Q. Just to clarify what it was we were  
 00:12:61 3 referring to. What happened with Officer  
 00:12:62 4 Whitaker back in '88 or '89 as you described?  
 00:12:63 5 A. I believe it was early '89, probably  
 00:12:64 6 February, Officer Whitaker arrested me for  
 00:12:65 7 DWI. It turned out that he had never completed  
 00:12:66 8 the Civil Service test so he could not be a  
 00:12:67 9 police officer in Winchendon and they threw  
 00:12:68 10 his cases out.  
 00:12:69 11 Q. Because he wasn't a qualified police  
 00:12:70 12 officer at the time of the arrest?  
 00:12:71 13 A. And the town paid me the sum of \$1  
 00:12:72 14 to not file a suit against him.  
 00:12:73 15 Q. And how was that payment of \$1 made  
 00:12:74 16 by the town?  
 00:12:75 17 A. They never paid it.  
 00:12:76 18 Q. So do you have any record of any  
 00:12:77 19 agreement from --  
 00:12:78 20 A. It was said in open court. I  
 00:12:79 21 imagine they do the thing in court thing.  
 00:12:80 22 Q. In open court someone from the  
 00:12:81 23 Winchendon Police said we will pay him \$1 not  
 00:12:82 24 to bring a claim?

CURRAN COURT REPORTING

00:14:31 1 A. The Winchendon Council I believe it 702  
 00:14:32 2 was, yes, sir. I believe it was the  
 00:14:33 3 Winchendon Council when they said 'cause it  
 00:14:34 4 was all done, you know, 'cause it was all  
 00:14:35 5 done, you know, you go make the deal behind  
 00:14:36 6 doors and then they come out and they announce  
 00:14:37 7 it to the judge saying they're going to  
 00:14:38 8 withdraw this police officer in -- what do  
 00:14:39 9 they call it -- fair payment of \$1 to Mr. Jean  
 00:14:40 10 and stuff and then I actually did say  
 00:14:41 11 something after, I said where's my buck, and  
 00:14:42 12 it was Attorney Pusateri said don't push it.  
 00:14:43 13 Q. Attorney Pusateri said don't push  
 00:14:44 14 it?  
 00:14:45 15 A. Yes, sir.  
 00:14:46 16 Q. That was your attorney at the time?  
 00:14:47 17 A. Yes, sir.  
 00:14:48 18 Q. Do you remember who town council was  
 00:14:49 19 for Winchendon at that time?  
 00:14:50 20 A. No, sir.  
 00:14:51 21 Q. Did Officer Whitaker, he was working  
 00:14:52 22 for the Winchendon Police Department at that  
 00:14:53 23 time?  
 00:14:54 24 A. Yes, sir.

CURRAN COURT REPORTING

00:14:59 1 Q. That didn't have anything to do with 703  
 00:15:00 2 Ashburnham either?  
 00:15:01 3 A. No, sir.  
 00:15:02 4 MR. CLOHERTY: I don't have  
 00:15:03 5 any further questions for you  
 00:15:04 6 subject to the same reservations as  
 00:15:05 7 Ms. Pelletier.  
 00:15:06 8  
 00:15:07 9 MR. STERN: I just have one  
 00:15:08 10 more question based on Whitaker  
 00:15:09 11 stuff.

**RECROSS-EXAMINATION**

00:15:10 12 By Mr. Stern:  
 00:15:11 13 Q. How did it come -- do you know how  
 00:15:12 14 it came to be known that Officer Whitaker  
 00:15:13 15 didn't take the Civil Service exam?  
 00:15:14 16 A. My next door neighbor who ran the  
 00:15:15 17 laundry in town told me that Officer Whitaker  
 00:15:16 18 never took the Civil Service test, but he got  
 00:15:17 19 on because his brother-in-law was the chief of  
 00:15:18 20 police. I referred that to my counsel who  
 00:15:19 21 called the state Civil Service and the state  
 00:15:20 22 was very upset with him at the time and they  
 00:15:21 23 actually offered to come up for the trial or  
 00:15:22 24 it might have been a motion.

CURRAN COURT REPORTING

NOV-06-2006 MON 11:29 AM JASON AND FISCHER

FAX NO.

P. 05

Deposition of Kenneth Jean Volume 3  
August 23, 2006

	704		706
03:15:00 1	Q. So it was brought up by your attorney?	03:17:01 1	would ask for a supplement for that assuming that there is a substantive response.
03:15:02 2	A. Yes, sir.	03:17:02 2	
03:15:03 3	Q. Thank you. And that ended up causing Officer Whitaker to have to resign from the force?	03:17:03 3	
03:15:04 4		03:17:04 4	MR. STERN: At the top of the page it says, "Without waiving, see answers to preceding interrogatories and allegations of complaint." You want a copy of mine? Are you talking about the -- what, this is a different one?
03:15:05 5		03:17:05 5	MR. FISCHER: You have --
03:15:06 6		03:17:06 6	MR. CLOHERTY: Do we need to do this on the record?
03:15:07 7	A. Yes, sir, and they gave him a \$5,000 severance pay.	03:17:07 7	MS. PELLETIER: I just want to make a record of the fact that I don't have a complete set of answers to interrogatories.
03:15:08 8	MR. STERN: Thank you.	03:17:08 8	MR. FISCHER: That's Ashburnham and this is Wolski.
03:15:09 9	MR. FISCHER: I would just point out for the record that Mr. --	03:17:09 9	There's a sentence --
03:15:10 10		03:17:10 10	MS. PELLETIER: I'm requesting on the record that I receive a response to that,
03:15:11 11		03:17:11 11	Mr. Fischer.
03:15:12 12		03:17:12 12	CURRAN COURT REPORTING
03:15:13 13	MR. CLOHERTY: It might have been covered earlier. I'm not sure.	03:17:13 13	707
03:15:14 14	MR. FISCHER: No, Mr. Cloherty, you asked about the embezzling and Mr. -- and the witness answered that it involved --	03:17:14 14	MR. FISCHER: I think that there's a sentence that's missing from the one you showed me which is --
03:15:15 15	that he made complaints to the Winchendon Police and that page --	03:17:15 15	MS. PELLETIER: I don't need the answer on the record 'cause I'd like you to confer with your client to make sure that's accurate before we put it and if that's all that it is, you can just put it to me in writing.
03:15:16 16	It's in 3D, 35, 36.	03:17:16 16	MR. FISCHER: Fine.
03:15:17 17	MR. STERN: He was talking about today I think.	03:17:17 17	MR. STERN: It's just two words, "without waiving," and it doesn't go anywhere.
03:15:18 18	MR. CLOHERTY: I'm not CURRAN COURT REPORTING	03:17:18 18	MR. CLOHERTY: Go off the record. Are we all set?
03:15:19 19		03:17:19 19	MS. PELLETIER: Go off. (Whereupon, the deposition suspended at 3:18 p.m.)
03:15:20 20		20	
03:15:21 21		21	
03:15:22 22		22	
03:15:23 23		23	
03:15:24 24		24	
	CURRAN COURT REPORTING		CURRAN COURT REPORTING

**EXHIBIT****B**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\*\*\*\*\*  
KENNETH AND PAMELA PRICE JEAN

Plaintiffs

v.

CITY OF ASHBURNHAM POLICE \*  
DEPARTMENT, CITY OF WINCHENDON \*  
POLICE DEPARTMENT, ROB HARRINGTON, \*  
in his capacity as CHIEF OF THE WINCHENDON \* C.A. NO. 03-12306FDS  
POLICE DEPARTMENT, JACK MURRY, in his \*  
capacity as CHIEF OF THE ASHBURNHAM \*  
POLICE DEPARTMENT, TODD C. PARSONS \*  
RAYMOND M. ANAIR, ROBERT BRENNON, \*  
WILLIAM P. GEOFFROY, BRIAN HART, \*  
KEVIN AHEARN, KEVIN E. WOLSKI \*  
OFFICER JOHN DOE, OFFICER JOHN POE. \*

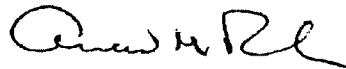
Defendants

SUPPLEMENTAL INTERROGATORY TO DEFENDANT, ROB HARRINGTON

1. Please describe all facts and circumstances regarding the departure of Officer Whitaker from the Winchendon Police force, including in your answer any involvement of either of the plaintiffs regarding actions leading to Officer Whitaker's departure, retirement, removal or resignation as a police officer; the reasons for Officer Whitaker's departure as a police officer; all other facts and circumstances in detail regarding Officer Whitaker's departure as a police officer.

Respectfully submitted,  
Kenneth Jean, et al  
by their counsel

Date: 8/28/06



Andrew M. Fischer  
BB# 167040  
JASON & FISCHER  
47 Winter Street  
Boston, MA 02108  
(617) 423-7904

EXHIBIT  
**C**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

\*\*\*\*\*  
KENNETH AND PAMELA PRICE JEAN

Plaintiffs

v.

CITY OF ASHBURNHAM POLICE \*  
DEPARTMENT, CITY OF WINCHENDON \*  
POLICE DEPARTMENT, ROB HARRINGTON, \*  
in his capacity as CHIEF OF THE WINCHENDON \* C.A. NO. 03-12306FDS  
POLICE DEPARTMENT, JACK MURRY, in his \*  
capacity as CHIEF OF THE ASHBURNHAM \*  
POLICE DEPARTMENT, TODD C. PARSONS \*  
RAYMOND M. ANAIR, ROBERT BRENNON, \*  
WILLIAM P. GEOFFROY, BRIAN HART, \*  
KEVIN AHEARN, KEVIN E. WOLSKI \*  
OFFICER JOHN DOE, OFFICER JOHN POE. \*

Defendants

\*\*\*\*\*

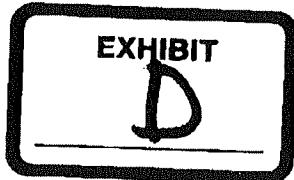
SUPPLEMENTAL INTERROGATORY TO DEFENDANT, TOWN OF WINCHENDON

1. Please describe all facts and circumstances regarding the departure of Officer Whitaker from the Winchendon Police force, including in your answer any involvement of either of the plaintiffs regarding actions leading to Officer Whitaker's departure, retirement, removal or resignation as a police officer; the reasons for Officer Whitaker's departure as a police officer; all other facts and circumstances in detail regarding Officer Whitaker's departure as a police officer.

Respectfully submitted,  
Kenneth Jean, et al  
by their counsel

Date: 8/28/06

Andrew M. Fischer  
BB# 167040  
JASON & FISCHER  
47 Winter Street  
Boston, MA 02108  
(617) 423-7904

EXHIBIT  
DUNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12306-FDS

KENNETH AND PAMELA PRICE JEAN, )  
Plaintiffs )  
vs. )  
CITY OF ASHBURNHAM POLICE )  
DEPARTMENT, CITY OF WINCHENDON )  
POLICE DEPARTMENT, )  
ROB HARRINGTON, in his capacity as )  
CHIEF OF THE WINCHENDON POLICE )  
DEPARTMENT, JACK MURRY, in his capacity )  
as CHIEF OF THE ASHBURNHAM POLICE )  
DEPARTMENT, TODD C. PARSONS, )  
RAYMOND M. ANAIR, ROBERT BRENNON, )  
WILLIAM P. GEOFFROY, BRIAN HART, )  
KEVIN AHEARN, KEVIN E. WOLSKI )  
OFFICER JOHN DOE, OFFICER JOHN DOE, )  
Defendants )

DEFENDANT, ROB HARRINGTON'S,  
ANSWER TO SUPPLEMENTAL INTERROGATORYQUESTION

1. Please describe all facts and circumstances regarding the departure of Officer Whitaker from the Winchendon Police force, including in your answer any involvement of either of the plaintiffs regarding actions leading to Officer Whitaker's departure, retirement, removal or resignation as a police officer; the reasons for Officer Whitaker's departure as a police officer; all other facts and circumstances in detail regarding Officer Whitaker's departure as a police officer.

ANSWER

OBJECTION. The defendant, Rob Harrington, objects to this interrogatory on the grounds that it is calculated to annoy and harass the defendant; seeks information neither relevant nor material to this legal action nor reasonably calculated to lead to the discovery of admissible evidence; and exceeds the scope of discovery permitted by Mass. R. Civ. P. 26.

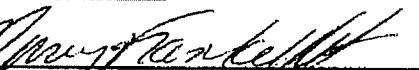
Page 2 of 2

Signed under the pains and penalties of perjury this 18 day of October, 2006.



Rob Harrington

AS TO OBJECTIONS:

By   
 Nancy Franke Pelletier, Esq., of  
 Robinson Donovan, P.C.  
 1500 Main Street, Suite 1600  
 Springfield, Massachusetts 01115  
 Phone (413) 732-2301 Fax (413) 785-4658  
 BBO No.: 544402

CERTIFICATE OF SERVICE

I, Nancy Franke Pelletier, Esq., hereby certify that on this 25<sup>th</sup> day of October, 2006, I served a copy of the above upon the parties in the action by mailing, postage prepaid, to counsel:

Andrew M. Fischer, Esq. Jason & Fischer 47 Winter Street Boston, MA 02108	Mark D. Stern, Esq. 34 Liberty Avenue Somerville, MA 02144
Michael Akerson, Esq. Austin M. Joyce, Esq. Andrew J. Gambaccini, Esq. Reardon, Joyce & Akerson, P.C. 397 Grove Street Worcester, MA 01605	Douglas I. Louison, Esq. Regina M. Ryan, Esq. Merrick, Louison & Costello, LLP 67 Batterymarch Street Boston, MA 02110
John J. Cloherty, III Pierce, David, Perritano, LLP Ten Winthrop Square Boston, MA 02110	

Subscribed under the penalties of perjury.



Nancy Franke Pelletier, Esq.

Page 1 of 1

markdstermpc@rcn.com

EXHIBIT

E

**From:** "Mark D. Stern P.C." <markdstermpc@rcn.com>  
**To:** <Npelletier@Robinson-Donovan.com>  
**Cc:** "Andrew M. Fischer" <AFischer@jasonandfischer.com>  
**Sent:** Wednesday, October 25, 2006 11:45 AM  
**Subject:** Harrington Supp'l Int. Answer

Nancy

Please treat this as a Rule 7.1 conference. We consider your answer to the Supplemental Interrogatory inadequate. If you want to further confer on this matter, please advise Andy and me when you would like to have us confer with you.

Cordially, Mark Stern

[markdsterncpc@rcn.com](mailto:markdsterncpc@rcn.com)

**From:** "Mark D. Stern P.C." <[markdsterncpc@rcn.com](mailto:markdsterncpc@rcn.com)>  
**To:** "PELLETIER, N" <[npelletier@Robinson-Donovan.com](mailto:npelletier@Robinson-Donovan.com)>  
**Cc:** "Andrew M. Fischer" <[AFischer@jasonandfischer.com](mailto:AFischer@jasonandfischer.com)>  
**Sent:** Wednesday, October 25, 2006 1:42 PM  
**Subject:** Re: Harrington Supp'l Int. Answer

Nancy

You provided no answer in the copy I received, only an objection that seems to me to be utterly without merit based on the most recent disclosure regarding Whitaker. If either of Plaintiff's acts had anything to do with Whitaker's departure from the force, it could provide an explanation for why they were treated as they were by other officers.

Cordially, Mark Stern

— Original Message —

**From:** PELLETIER, N  
**To:** Mark D. Stern P.C.  
**Cc:** RIVENBURGH, R  
**Sent:** Wednesday, October 25, 2006 1:11 PM  
**Subject:** RE: Harrington Supp'l Int. Answer

Pls advise as to why you believe that it is inadequate.

**Nancy Frankel Pelletier, Esq.**  
 Robinson Donovan, P.C.  
 1500 Main Street - Suite 1600  
 PO Box 15609  
 Springfield, MA 01115-5609  
 (413) 732-2391 | Fax (413) 785-4658  
[npelletier@robinson-donovan.com](mailto:npelletier@robinson-donovan.com)  
[www.robinson-donovan.com](http://www.robinson-donovan.com)  
[Bio](#) | Add to Outlook



**Robinson Donovan, P.C.**  
 Springfield | Northampton

[mailto:[markdsterncpc@rcn.com](mailto:markdsterncpc@rcn.com)]

**Sent:** Wednesday, October 25, 2006 11:46 AM  
**To:** PELLETIER, N  
**Cc:** Andrew M. Fischer  
**Subject:** Harrington Supp'l Int. Answer

Nancy

Please treat this as a Rule 7.1 conference. We consider your answer to the Supplemental Interrogatory inadequate. If you want to further confer on this matter, please advise Andy and me when you would like to have us confer with you.

Cordially, Mark Stern

**IRS Circular 230 Disclosure:** Any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used by any taxpayer, and cannot be used, for the purpose of: (i) avoiding penalties under the Internal Revenue Code that may be imposed on the taxpayer; or (ii)

[markdstermpc@rcn.com](mailto:markdstermpc@rcn.com)

---

**From:** "Andrew M. Fischer" <[afischer@jasonandfischer.com](mailto:afischer@jasonandfischer.com)>  
**To:** "Mark D. Stern P.C." <[markdstermpc@rcn.com](mailto:markdstermpc@rcn.com)>  
**Cc:** "PELLETIER, N" <[npelletier@Robinson-Donovan.com](mailto:npelletier@Robinson-Donovan.com)>  
**Sent:** Wednesday, October 25, 2006 2:27 PM  
**Subject:** Re: Harrington Supp'l Int. Answer

Nancy

I am in accord with Mark

Andrew M. Fischer

Mark D. Stern P.C. wrote:

> Nancy  
>  
> You provided no answer in the copy I received, only an objection that  
> seems to me to be utterly without merit based on the most  
> recent disclosure regarding Whitaker. If either of Plaintiff's acts  
> had anything to do with Whitaker's departure from the force, it could  
> provide an explanation for why they were treated as they were by other  
> officers.  
>

> Cordially, Mark Stern  
>

> ----- Original Message -----  
> \*From:\* PELLETIER, N <<mailto:npelletier@Robinson-Donovan.com>>  
> \*To:\* Mark D. Stern P.C. <<mailto:markdstermpc@rcn.com>>  
> \*Cc:\* RIVENBURGH, R <<mailto:rivenburgh@Robinson-Donovan.com>>  
> \*Sent:\* Wednesday, October 25, 2006 1:11 PM  
> \*Subject:\* RE: Harrington Supp'l Int. Answer  
>

> Pls advise as to why you believe that it is inadequate.  
>  
>  
>  
>  
>  
> \*Nancy Frankel Pelletier, Esq.\*  
>

> Robinson Donovan, P.C.  
> 1500 Main Street - Suite 1600  
> PO Box 15609  
> Springfield, MA 01115-5609  
> (413) 732-2301 | Fax (413) 785-4658  
> [npelletier@robinson-donovan.com](mailto:npelletier@robinson-donovan.com)  
> <<mailto:npelletier@robinson-donovan.com>>  
> [www.robinson-donovan.com](http://www.robinson-donovan.com) <<http://www.robinson-donovan.com>>  
> Bio |  
> <[http://www.robinson-donovan.com/attorney\\_detail.epl?attorney\\_id=22](http://www.robinson-donovan.com/attorney_detail.epl?attorney_id=22)> Add

Page 1 of 1

EXHIBIT

F

markdsternpc@rcn.com

**From:** "Mark D. Stern P.C." <markdsternpc@rcn.com>  
**To:** <npelletier@Robinson-Donovan.com>  
**Cc:** "Andrew M. Fischer" <AFischer@jasonandfischer.com>  
**Sent:** Monday, November 06, 2006 10:09 AM  
**Subject:** your letters

Ms. Pelletier

I received two identical letters from you today. Mr. Fischer indicates he will respond thereto. In the interim, I will be filing a motion to compel as to your failure to answer the Winchendon and Harrington supplemental interrogatory about which we have conferred back and forth. I believe our obligation to confer is now satisfied, but, if you wish to further confer before I file said motion, please advise me this morning.

  
Cordially, Mark Stern

## Deposition of Kenneth Jean Volume 3

August 23, 2006

<p style="text-align: center;">676</p> <p>02:50:00 1 Q. Okay. Are you aware of your wife's 02:50:16 2 being diagnosed as abusing alcohol as of May 02:50:19 3 of 2001?</p> <p>02:50:20 4 A. Am I aware of her being -- I don't 02:50:24 5 know what she's been diagnosed of, ma'am, in 02:50:26 6 most part.</p> <p>02:50:27 7 Q. Were you present with her when she 02:50:29 8 went to the hospital in May of 2001?</p> <p>02:50:31 9 A. I've been present with her a couple 02:50:33 10 of times at the hospital. I don't know which 02:50:35 11 incident you're referring to.</p> <p>02:50:36 12 Q. Do you recall any occurrences on 02:50:42 13 which you actually took her to the hospital?</p> <p>02:50:44 14 A. Yes, ma'am.</p> <p>02:50:44 15 Q. And do you recall taking her to the 02:50:46 16 hospital the day after the incident in May of 02:50:51 17 2001?</p> <p>02:50:52 18 A. I believe I do.</p> <p>02:50:56 19 Q. Did you provide information to any 02:50:58 20 healthcare professional about your wife's 02:51:01 21 history or condition at any time?</p> <p>02:51:03 22 A. I don't know, ma'am.</p> <p>02:51:05 23 Q. Are you aware of your wife attending 02:51:07 24 Alcoholics Anonymous?</p>	<p style="text-align: center;">678</p> <p>02:52:36 1 A. Yes, ma'am.</p> <p>02:52:37 2 Q. You never mentioned that prior to me 02:52:39 3 asking you that question, is that fair to 02:52:40 4 state? We've been sitting here for almost 02:52:43 5 three hours, correct?</p> <p>02:52:44 6 A. Why would I, ma'am? I totally 02:52:48 7 forgot him. He was not part of this 02:52:51 8 harassment, that all came about after. He was 02:52:53 9 a very early age, I'm going to say 1988 or 02:52:56 10 '89, it was a lone event, it was totally 02:52:58 11 unrelated to all of this.</p> <p>02:52:59 12 Q. Totally unrelated to all of this?</p> <p>02:53:01 13 A. Yes, ma'am. Unless any of the 02:53:26 14 police departments harbor animosity towards me 02:53:29 15 from that, but I would have no knowledge of 02:53:30 16 that.</p> <p>02:53:32 17 MR. FISCHER: Wait for a 02:53:33 18 question, answer the question and 02:53:34 19 then wait for the next question.</p> <p>02:53:36 20 Q. Is it fair to state that you don't 02:54:10 21 have any personal knowledge of any of the 02:54:13 22 incidents that occurred between the Winchendon 02:54:17 23 police officers and your wife other than 02:54:19 24 information you received from your wife?</p>
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<p style="text-align: center;">677</p> <p>02:51:08 1 A. Yes, ma'am, she went with me.</p> <p>02:51:09 2 Q. And when is it that you claim you 02:51:11 3 went?</p> <p>02:51:11 4 A. I'm sorry?</p> <p>02:51:13 5 Q. When is it that you claim you went?</p> <p>02:51:15 6 A. Oh, multiple dates over years.</p> <p>02:51:17 7 Q. When did you start going?</p> <p>02:51:18 8 A. Would have been the first DUI.</p> <p>02:51:21 9 Q. Your first DUI was 15, 20 years ago,</p> <p>02:51:25 10 right?</p> <p>02:51:25 11 A. I don't know when the first one was,</p> <p>02:51:28 12 ma'am. It would have been the first one that</p> <p>02:51:32 13 Ashburnham had charged with me.</p> <p>02:51:33 14 Q. Was it before you were married?</p> <p>02:51:39 15 A. Well, I believe it might have been</p> <p>02:51:45 16 before, yeah, I'm almost certain it was.</p> <p>02:51:47 17 Q. So you had -- you heard your wife</p> <p>02:51:51 18 testify today that she didn't go to AA until</p> <p>02:51:55 19 after the house fire?</p> <p>02:51:56 20 A. That would be incorrect.</p> <p>02:51:57 21 Q. Do you claim that any of the</p> <p>02:52:30 22 activities of the Winchendon Police Department</p> <p>02:52:32 23 had anything to do with an officer by the name</p> <p>02:52:38 24 of Whitaker?</p>	<p style="text-align: center;">679</p> <p>02:54:22 1 A. No, ma'am.</p> <p>02:54:24 2 Q. From whom did you receive</p> <p>02:54:27 3 information other than your wife regarding the</p> <p>02:54:29 4 incidents that occurred between the Winchendon</p> <p>02:54:31 5 police officers and your wife?</p> <p>02:54:32 6 A. Chief Harrington for one. All the</p> <p>02:54:35 7 court cases I attended with my wife, that type</p> <p>02:54:41 8 of thing, all probation interviews we went to.</p> <p>02:54:45 9 Q. Well, what information did you</p> <p>02:54:47 10 receive during the course of those events</p> <p>02:54:50 11 other than the information from your wife?</p> <p>02:54:54 12 From whom did you --</p> <p>02:54:55 13 A. I would have been privy to all her</p> <p>02:54:57 14 police reports. The police reports with</p> <p>02:54:59 15 prostitute on it, I certainly seen a number of</p> <p>02:55:01 16 times. Conversations with her counsel,</p> <p>02:55:07 17 probation officer, again, Paul Trippi, things</p> <p>02:55:12 18 to that effect.</p> <p>02:55:13 19 Q. I'm asking you about anybody that</p> <p>02:55:15 20 has any personal knowledge of the events that</p> <p>02:55:17 21 occurred between your wife and the Winchendon</p> <p>02:55:20 22 Police Department, do you have any information</p> <p>02:55:23 23 from any source as to the facts that existed</p> <p>02:55:27 24 between your wife and the Winchendon police</p>
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<p style="text-align: right;">700</p> <p>03:12:46 1 testimony, sir?</p> <p>03:12:46 2 A. Yes, I do.</p> <p>03:12:47 3 Q. I thought earlier, and correct me if</p> <p>03:12:52 4 I'm wrong, I thought earlier you testified</p> <p>03:12:53 5 that that request to investigate had been made</p> <p>03:12:56 6 to Ashburnham Police Department?</p> <p>03:12:57 7 A. No, sir, Winchendon. That was</p> <p>03:12:59 8 before I moved to Ashburnham.</p> <p>03:13:00 9 Q. So earlier when you were responding</p> <p>03:13:03 10 to my questions about your discussions with</p> <p>03:13:05 11 the police about the investigation of</p> <p>03:13:08 12 embezzlement, you were referring to the</p> <p>03:13:10 13 Winchendon Police Department?</p> <p>03:13:11 14 A. Yes, sir. I'm sorry if I didn't --</p> <p>03:13:14 15 Q. It may have been a misunderstanding</p> <p>03:13:15 16 on my part, I just want to clarify that. Did</p> <p>03:13:18 17 Ashburnham Police have anything to do with the</p> <p>03:13:20 18 investigation of the embezzlement charges,</p> <p>03:13:22 19 sir?</p> <p>03:13:22 20 A. Absolutely not, sir.</p> <p>03:13:24 21 Q. The last question I want to ask you</p> <p>03:13:27 22 is just a follow-up on the Officer Whitaker</p> <p>03:13:32 23 allegations that you said were unrelated to</p> <p>03:13:34 24 this. Do you recall that testimony, sir?</p> <p style="text-align: center;">CURRAN COURT REPORTING</p>	<p style="text-align: right;">702</p> <p>03:14:31 1 A. The Winchendon Council I believe it</p> <p>03:14:33 2 was, yes, sir. I believe it was the</p> <p>03:14:34 3 Winchendon Council when they said 'cause it</p> <p>03:14:35 4 was all done, you know, 'cause it was all</p> <p>03:14:36 5 done, you know, you go make the deal behind</p> <p>03:14:38 6 doors and then they come out and they announce</p> <p>03:14:40 7 it to the judge saying they're going to</p> <p>03:14:41 8 withdraw this police officer in -- what do</p> <p>03:14:45 9 they call it -- fair payment of \$1 to Mr. Jean</p> <p>03:14:47 10 and stuff and then I actually did say</p> <p>03:14:50 11 something after, I said where's my buck, and</p> <p>03:14:51 12 it was Attorney Pusateri said don't push it.</p> <p>03:14:58 13 Q. Attorney Pusateri said don't push</p> <p>03:15:00 14 it?</p> <p>03:15:00 15 A. Yes, sir.</p> <p>03:15:01 16 Q. That was your attorney at the time?</p> <p>03:15:02 17 A. Yes, sir.</p> <p>03:15:02 18 Q. Do you remember who town council was</p> <p>03:15:04 19 for Winchendon at that time?</p> <p>03:15:05 20 A. No, sir.</p> <p>03:15:06 21 Q. Did Officer Whitaker, he was working</p> <p>03:15:08 22 for the Winchendon Police Department at that</p> <p>03:15:09 23 time?</p> <p>03:15:09 24 A. Yes, sir.</p> <p style="text-align: center;">CURRAN COURT REPORTING</p>
<p style="text-align: right;">701</p> <p>03:13:35 1 A. Yes, sir.</p> <p>03:13:36 2 Q. Just to clarify what it was we were</p> <p>03:13:40 3 referring to. What happened with Officer</p> <p>03:13:43 4 Whitaker back in '88 or '89 as you described?</p> <p>03:13:44 5 A. I believe it was early '89, probably</p> <p>03:13:47 6 February, Officer Whitaker arrested me for</p> <p>03:13:51 7 DWI, it turned out that he had never completed</p> <p>03:13:54 8 the Civil Service test so he could not be a</p> <p>03:13:57 9 police officer in Winchendon and they threw</p> <p>03:14:04 10 his cases out.</p> <p>03:14:04 11 Q. Because he wasn't a qualified police</p> <p>03:14:06 12 officer at the time of the arrest?</p> <p>03:14:07 13 A. And the town paid me the sum of \$1</p> <p>03:14:09 14 to not file a suit against him.</p> <p>03:14:12 15 Q. And how was that payment of \$1 made</p> <p>03:14:15 16 by the town?</p> <p>03:14:15 17 A. They never paid it.</p> <p>03:14:17 18 Q. So do you have any record of any</p> <p>03:14:20 19 agreement from --</p> <p>03:14:21 20 A. It was said in open court. I</p> <p>03:14:23 21 imagine they do the thing in court thing.</p> <p>03:14:25 22 Q. In open court someone from the</p> <p>03:14:27 23 Winchendon Police said we will pay him \$1 not</p> <p>03:14:30 24 to bring a claim?</p> <p style="text-align: center;">CURRAN COURT REPORTING</p>	<p style="text-align: right;">703</p> <p>03:15:09 1 Q. That didn't have anything to do with</p> <p>03:15:12 2 Ashburnham either?</p> <p>03:15:13 3 A. No, sir.</p> <p>03:15:13 4 MR. CLOHERTY: I don't have</p> <p>03:15:14 5 any further questions for you</p> <p>03:15:15 6 subject to the same reservations as</p> <p>03:15:16 7 Ms. Pelletier.</p> <p>03:15:18 8 MR. STERN: I just have one</p> <p>03:15:20 9 more question based on Whitaker</p> <p>10 stuff.</p> <p style="text-align: center;">RECROSS-EXAMINATION</p> <p>12 By Mr. Stern:</p> <p>03:15:21 13 Q. How did it come -- do you know how</p> <p>03:15:23 14 it came to be known that Officer Whitaker</p> <p>03:15:25 15 didn't take the Civil Service exam?</p> <p>03:15:27 16 A. My next door neighbor who ran the</p> <p>03:15:30 17 laundry in town told me that Officer Whitaker</p> <p>03:15:36 18 never took the Civil Service test, but he got</p> <p>03:15:38 19 on because his brother-in-law was the chief of</p> <p>03:15:40 20 police. I referred that to my counsel who</p> <p>03:15:43 21 called the state Civil Service and the state</p> <p>03:15:44 22 was very upset with him at the time and they</p> <p>03:15:46 23 actually offered to come up for the trial or</p> <p>03:15:49 24 it might have been a motion.</p> <p style="text-align: center;">CURRAN COURT REPORTING</p>

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03:15:50 1	Q. So it was brought up by your attorney?	03:17:11 1	would ask for a supplement for that assuming that there is a substantive response.
03:15:52 2	A. Yes, sir.	03:17:12 2	
03:15:52 3	Q. Thank you. And that ended up causing Officer Whitaker to have to resign from the force?	03:17:14 3	MR. STERN: At the top of the page it says, "Without waiving, see answers to preceding interrogatories and allegations of complaint." You want a copy of mine? Are you talking about the -- what, this is a different one?
03:15:54 4	A. Yes, sir, and they gave him a \$5,000 severance pay.	03:17:14 4	MR. FISCHER: You have --
03:15:56 5	Q. Thank you. And that ended up causing Officer Whitaker to have to resign from the force?	03:17:16 5	MR. CLOHERTY: Do we need to do this on the record?
03:15:57 6	A. Yes, sir, and they gave him a \$5,000 severance pay.	03:17:17 6	MS. PELLETIER: I just want to make a record of the fact that I don't have a complete set of answers to interrogatories.
03:16:01 7	MR. STERN: Thank you.	03:17:19 7	MR. FISCHER: That's Ashburnham and this is Wolski.
03:16:02 8	MR. FISCHER: I would just point out for the record that Mr. --	03:17:20 8	There's a sentence --
03:16:03 9	MR. CLOHERTY: It might have been covered earlier. I'm not sure.	03:17:25 9	MS. PELLETIER: I'm requesting on the record that I receive a response to that,
03:16:04 10	MR. FISCHER: No. Mr. Cloherty, you asked about the embezzling and Mr. -- and the witness answered that it involved -- that he made complaints to the Winchendon Police and that page -- it's in 30, 35, 36.	03:17:26 10	Mr. Fischer.
03:16:09 11	MR. STERN: He was talking about today I think.	03:17:27 11	CURRAN COURT REPORTING
03:16:10 12	MR. CLOHERTY: I'm not	03:17:30 12	707
03:16:10 13	CURRAN COURT REPORTING	03:17:31 13	MR. FISCHER: I think that there's a sentence that's missing from the one you showed me which is --
03:16:12 14		03:17:32 14	MS. PELLETIER: I don't need the answer on the record 'cause I'd like you to confer with your client to make sure that's accurate before we put it and if that's all that it is, you can just put it to me in writing.
03:16:13 15		03:17:33 15	MR. FISCHER: Fine.
03:16:15 16		03:17:34 16	MR. STERN: It's just two words, "without waiving," and it doesn't go anywhere.
03:16:17 17		03:17:36 17	MR. CLOHERTY: Go off the record. Are we all set?
03:16:18 18		03:17:38 18	MS. PELLETIER: Go off.
03:16:21 19		03:17:38 19	(Whereupon, the deposition suspended
03:16:23 20		03:17:40 20	
03:16:24 21		03:17:40 21	
03:16:25 22		03:17:41 22	
03:16:25 23		03:17:42 23	
03:16:25 24		03:17:45 24	
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03:16:26 1	disputing what the earlier day's transcripts provided. I thought today he was talking about involving Ashburnham.	03:17:46 1	MR. FISCHER: I think that there's a sentence that's missing from the one you showed me which is --
03:16:28 2		03:17:49 2	
03:16:29 3		03:17:51 3	
03:16:31 4		03:17:54 4	
03:16:31 5	MR. FISCHER: I don't remember that.	03:17:54 5	MS. PELLETIER: I don't need the answer on the record 'cause I'd like you to confer with your client to make sure that's accurate before we put it and if that's all that it is, you can just put it to me in writing.
03:16:32 6		03:17:54 6	MR. FISCHER: Fine.
03:16:32 7	MR. STERN: He said it might have been his mistake so.	03:17:56 7	MR. STERN: It's just two words, "without waiving," and it doesn't go anywhere.
03:16:34 8		03:17:58 8	MR. CLOHERTY: Go off the record. Are we all set?
03:16:35 9	MR. FISCHER: Are we finished?	03:17:59 9	MS. PELLETIER: Go off.
03:16:36 10		03:18:01 10	(Whereupon, the deposition suspended
03:16:37 11	MS. PELLETIER: Before we go off the record, unless I am missing something, all the sets of answers to interrogatories which we received from Ken Jean, the last	03:18:03 11	
03:16:39 12		03:18:04 12	
03:16:42 13		03:18:05 13	
03:16:47 14		03:18:05 14	
03:16:48 15		03:18:07 15	
03:16:52 16		03:18:08 16	
03:16:57 17		03:18:09 17	
03:16:59 18		03:18:10 18	
03:17:02 19		03:18:17 19	
03:17:06 20		20	at 3:18 p.m.)
03:17:06 21	MR. FISCHER: May I see?	21	
03:17:07 22	MS. PELLETIER: Yup, Mr. Jean and Mr. Fischer, and if necessary we can make this one an exhibit. I	22	
03:17:08 23		23	
03:17:10 24		24	
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